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 INTERNATIONAL MEDICAL DEVICES, INC.,
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 MEDICAL, LLC, JAMES J. ELIST, M.D., A
 MEDICAL CORPORATION, and DR. JAMES ELIST

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Attorneys for Plaintiff

UNITED STATES DISTRICT COURT
 CENTRAL DISTRICT OF CALIFORNIA – EASTERN DIVISION

EDWARD PEÑA, individually and on behalf of others similarly situated, Plaintiff, v. INTERNATIONAL MEDICAL DEVICES, INC., MENOVA INTERNATIONAL, INC., GESIVA MEDICAL, LLC, JAMES J. ELIST M. D., a Medical Corporation, and Dr. James ELIST Defendants.) Case No. 2:22-cv-03391-SSS (RAOx)) Mag. Judge: Hon. Rozella A. Oliver) <u>DISCOVERY MATTER</u>) STIPULATION TO CONTINUE) HEARING DATE OF PLAINTIFF’S) MOTION TO COMPEL) [Filed concurrently with [Proposed]) Order]
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1 Plaintiff Edward Peña and Defendants International Medical Devices, Inc.,
 2 Menova International, Inc., Gesiva Medical, LLC, James J. Elist M.D., a medical
 3 corporation, and Dr. James Elist (collectively, the “Parties”), by and through their
 4 respective counsel of record, submit the following stipulation.

5 On October 4, 2023, Plaintiff filed a Notice of Motion and Motion to Compel
 6 noticing a hearing date of October 25, 2023, in connection with the Joint Stipulation
 7 Re: Discovery Dispute. *See* ECF Nos. 83, 84.

8 Defendants conferred with Plaintiff about rescheduling the October 25th
 9 hearing date for one week later. Good cause exists for the request given that, on
 10 October 25th, Defendants’ counsel will be traveling for a pre-booked firm retreat, and
 11 a brief continuance of the hearing date will allow Defendants’ counsel to appear at
 12 oral argument. Plaintiff’s counsel agreed to the brief continuance of the hearing date.

13 Therefore, the Parties request the hearing date for the pending motion be
 14 continued from October 25, 2023, to November 1, 2023.

15
 16 IT IS SO STIPULATED.

17
 18 Dated: October 9, 2023

Respectfully submitted,

19 CADDELL & CHAPMAN

20 By: /s/ Amy E. Tabor

21 Michael A. Caddell
 22 Cynthia B. Chapman
 23 Amy E. Tabor

24 Dated: October 9, 2023

SHOOK, HARDY & BACON L.L.P.

25 By: /s/ Amir M. Nassihi

26 Amir M. Nassihi
 27 Michael L. Mallow
 28 Jennifer M. Stevenson
 Mayela C. Montenegro-Urch

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21 INC., MENOVA INTERNATIONAL,
22 INC., GESIVA MEDICAL, LLC, JAMES
23 J. ELIST M.D., a Medical Corporation, and
24 DR. JAMES ELIST

25 **ATTESTATION PURSUANT TO LOCAL RULE 5-4.3.4(a)(2)(i)**

26 I, Mayela C. Montenegro-Urch, am the ECF User whose identification and
27 password are being used to file this document. In compliance with Civil Local Rule
28 5-4.3.4(a)(2)(i), I hereby attest that all signatories have concurred in this filing.

Dated: October 9, 2023 /s/ Mayela C. Montenegro-Urch

Mayela C. Montenegro-Urch

PROOF OF SERVICE

I am over the age of 18 years and not a party to the within action. I am employed in the County of Orange, State of California. My business address is Jamboree Center, 5 Park Plaza, Suite 1600, Irvine, California 92614. On the date shown below, I served the following documents:

**STIPULATION TO CONTINUE HEARING DATE OF
PLAINTIFF'S MOTION TO COMPEL**

on the interested parties named herein and in the manner indicated below:

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Attorneys for Plaintiffs

- ☐ **FIRST CLASS U.S. MAIL:** I am readily familiar with this business' practice for collecting and processing correspondence for mailing. Under that practice, correspondence is placed for collection and mailing in a sealed envelope with postage fully prepaid and deposited with the United States Postal Service on that same day in the ordinary course of business.
- ☒ **(ELECTRONIC FILING)** I provided the document(s) listed above electronically through the CM/ECF Electronic Filing system pursuant to the instructions set forth in the Local Rules for the United States District Court, Central District of California.
- ☐ **(E-MAIL OR ELECTRONIC TRANSMISSION)** Based on a court order or an agreement of the parties to accept service by e-mail or electronic transmission, I caused the documents to be sent to the person(s) at the e-mail address(es) listed above. I did not receive, within a reasonable time after the transmission, any electronic message or other indication that the transmission was unsuccessful.

I declare under penalty of perjury under the laws of the State of California and the United States of America that the foregoing is true and correct.

Executed on October 9, 2023, at Irvine, California.

By: /s/ Mayela C. Montenegro-Urch
Mayela C. Montenegro-Urch